

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Ibert Clifton Wells  
Serial No. : Not yet assigned  
Filing Date : Not yet assigned  
Title : ANTAGONISTS OF THE MAGNESIUM BINDING DEFECT AS THERAPEUTIC AGENTS AND METHODS FOR TREATMENT OF ABNORMAL PHYSIOLOGICAL STATES  
Group/Art Unit : Not yet assigned  
Examiner : Not yet assigned  
Confirmation No. : Not yet assigned  
Atty. Docket No. : 800812-0008

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56, § 1.97, and § 1.98, the accompanying form PTO-892 and forms PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The present application is a divisional application of U.S. Application Serial No. 10/230,133, filed August 29, 2002, which is a divisional application of U.S. Application Serial No. 09/635,266, filed August 9, 2000 (now U.S. Patent No. 6,455,734). The cited documents are already of record in the parent case, and therefore, copies are not being submitted with the present statement pursuant to 37 C.F.R. § 1.98(d). Submission of these references is not an admission that the references constitute prior art.

**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: October 28, 2003

Signature: Lora Gurley

Printed Name: Lora Gurley

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

Applicant[s] respectfully request[s] that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) or before the mailing of a first Office Action on the merits. Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By:   
Nancy T. Morris, Reg. No. 42,017  
STINSON MORRISON HECKER LLP  
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Attorney for Applicant[s]

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<p>Substitute for Form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>		<p><i>Complete if Known</i></p>	
		Application Number:	10/230,133
		Filing Date:	August 29, 2002
		First Named Inventor:	Ibert Clifton Wells
		Group Art Unit:	1621
		Examiner Name:	Not Yet Assigned S. Kumar
		Attorney Docket Number:	2892-106
Sheet	1	of	2

Examiner Signature	S. Kumar	Date Considered	7/16/03
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		<b>Application Number:</b>	10/230,133
		<b>Filing Date:</b>	August 29, 2002
		<b>First Named Inventor:</b>	Ibert Clifton Wells
		<b>Group Art Unit:</b>	1621
		<b>Examiner Name:</b>	Not Yet Assigned
		<b>Attorney Docket Number:</b>	2892-106
1	Sheet	2	of 2

**OTHER REFERENCES – NON PATENT LITERATURE DOCUMENTS AND INFORMATION**

Examiner Signature	S. Kumar	Date Considered	7/17/03
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Sheet 1 of 2

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JUN 09 2003

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Application Number:	10/230,133	RECEIVED
Filing Date:	August 29, 2002	
First Named Inventor:	Ibert Clifton Wells	JUN 09 2002
Group Art Unit:	1621	
Examiner Name:	Not Yet Assigned - S. Klimas	
Attorney Docket Number:	2892-106	TECH CENTER 11

## U. S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**Examiner  
Signature**

S. Kerner

Date  
Considered

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PTQ/SB/08B (08-00)

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Sheet 2 of 2

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Signature**

5. Jemir

Date  
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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

**Complete if Known**

Application Number	09/635,266 Rec'd 10/23/01 33
Filing Date	August 9, 2000 <del>herein filed 8/29/02</del>
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	1624 1621
Examiner Name	K. Habte S. Kumar
Attorney Docket Number	W16-3 (N1427-002) 2892-106

Sheet

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of

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U.S. PATENT DOCUMENTS

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Complete If Known

Application Number	09/635,266 New 10/230,133
Filing Date	August 9, 2000 <del>Received 8/29/02</del>
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	162
Examiner Name	S. Kumar

Sheet

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of

1

Attorney Docket Number

W16-3 (N1427-002) 2892-106

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
SK		EDVINSSON, L., et al., "Reduced levels of calcitonin gene-related peptide (CGRP) but not substance P during and after treatment of severe hypertension in man," <i>J. Human Hypertension</i> , 1989, 3:267-270.	
		FAULHABER, H.D., et al., "Substance P in Human Essential Hypertension," <i>J. Cardiovasc. Pharmacol.</i> , 1987, 10(Suppl. 12):S172-S176.	
		MEYER, P., and MARCHE, P., "Cell Membrane in Hypertension," <i>The American Journal of Medical Sciences</i> , April, 1988, 295(4):396-399.	
		MORI, K., et al., "Decreases in Substance P and Vasoactive Intestinal Peptide Concentrations in Plasma of Stroke-Prone Spontaneously Hypertensive Rats," <i>Jpn. Heart J.</i> , November, 1993, 34(6):785-794.	
		RESNICK, L.M., et al., "Intracellular free magnesium in erythrocytes of essential hypertension: Relation to blood pressure and serum divalent cations," <i>Proc. Natl. Acad. Sci. USA</i> , October, 1984, 81:6511-6515.	
		SANFILIPPO, J.S., et al., "Amniotic Fluid Levels of Substance P," <i>The Journal of Reproductive Medicine</i> , August, 1992, 37(8):733-736.	
		TAKANO, Y., et al., "Substance P immunoreactivity released from rat spinal cord after kainic acid excitation of the ventral medulla oblongata: a correlation with increases in blood pressure," <i>Brain Research</i> , 1984, 291:168-172.	
Examiner Signature	S. Kumar		Date Considered 7/17/03

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Complete if Known

Application Number 09/635,266 ~~11040~~ 08/23/02  
Filing Date August 9, 2000 ~~8/23/02~~  
First Named Inventor Ibert Clifton WELLS  
Group Art Unit ~~162~~ 162  
Examiner Name *S. Kurnos*

Sheet 1 of 2 Attorney Docket Number W16-3 (N1427-002) 2892-106

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
<i>SK</i>		5,268,359		Harmar et. al.	12-07-1993
		5,491,140		Bruns et al.	02-13-1996
		5,492,927		Gitter et al.	02-20-1996
		5,525,624		Gitter et al.	06-11-1996
		5,563,133		Hipskind	10-08-1996
		5,565,568		Cho et al.	10-15-1996
		5,594,022		Horwell et al.	01-14-1997
		5,607,947		Hipskind	03-04-1997
		5,610,176		Horwell et al.	03-11-1997
		5,616,562		Murphy et al.	04-01-1997
<i>SK</i>		5,670,499		Cho et al.	09-23-1997
<i>SK</i>		5,684,033		Cho et al.	11-04-1997
<i>SK</i>		5,698,710		Sisto et al.	12-16-1997

Examiner Signature

*S. Kurnos*

Date Considered

7/17/03

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Co., Inc. if Known

Application Number	09/635,266 <del>new</del> 10/230,133
Filing Date	August 9, 2000 <del>Received 8/29/02</del>
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	162
Examiner Name	S. Kumar

Sheet

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of

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Attorney Docket Number

W16-3-(N1427-002) 289.2-106

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
<i>SC</i>		FRICKEY, P.H., et al., "Preparation and Characterization of Monoclonal Antibodies to Substance P," <i>Hybridoma</i> , Nov. 6, 1991, 10:685-694.	
		HORWELL, D.C., "Use of the Chemical Structure of Peptides as the Starting Point to Design Nonpeptide Agonists and Antagonists at Peptide Receptors: Examples with Cholecystokinin and Tachykinins," <i>Bioorganic &amp; Medicinal Chemistry</i> , 1996, 4(10):1573-1576.	
		MATTINGLY, M.T., et al. "Decreased Cell Membrane Magnesium in Some Essential Hypertension Patients," <i>Clin. and Exper. Hyper.-Theory and Practice</i> , 1991, 13:65-82 (author's reprint enclosed-total of 20 pages). <i>(1)</i>	
		THEODORSSON-NORHEIM, E., et al., "Neuropeptide K: A Major Tachykinin in Plasma and Tumor Tissues from Carcinoid Patients," <i>Biochemical and Biophysical Research Communications</i> , 1985, 131:77-83	
		WELLS, I.C., et al., "Abnormal magnesium metabolism in two rat models of genetic hypertension," <i>Can. J. Physiol. Pharmacol.</i> , 1992, 70:1225-1229.	
Examiner Signature		<i>S. Kumar</i>	Date Considered 7/17/03

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10/230,733

Application/Control No.: 10/230,733

Applicant(s)/Patent Under Reexam.

**Notice of References Cited**

Examiner: S. Kumar

Art Unit:

Page 1 of 1

**U.S. PATENT DOCUMENTS**

#	Document Number Country/Code/Number/Kind Code	Date (MM-YYYY)	Name	Classification <sup>2</sup>
A				1040 U.S. 20183
B				
C				
D				
E				
F				
G				
H				
I				
J				
K				
L				
M				

**FOREIGN PATENT DOCUMENTS**

#	Document Number Country/Code/Number/Kind Code	Date (MM-YYYY)	Country	Name	Classification <sup>2</sup>
N	2,166,316	08/1973	France		
O	2,065,879	08/1976	Germany		
P					
Q					
R					
S					
T					

**NON-PATENT DOCUMENTS**

#	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
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\* A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(e).

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